

Bullet Points
for
Testimony to Legislature
on Parole Board Report

Ladies and gentlemen of the Judiciary, my name is Glenice Martinez. Thank you for allowing me to testify today regarding the Parole Board.

I would like to present to you an of a person who deserves parole but has been denied by the Parole Board. This man is 64 years old. He has successfully completed both Phases of SOTMP with accolades and has been actively involved in available community service and self-improvement opportunities at DOC. I point out his issues below. He is highly representative of many others in the same position. These people work very hard to receive parole – doing everything asked of them by SOTMP and SOMB. However, even when they are rehabilitated and assessed as low-risk, parole NEVER comes. They are beginning to wonder why. Some of them have given up. This man almost did. As you can see, this man has the support, the money and the education to be able to take care of himself and yet he sits and wastes his life and taxpayer money. His mother is elderly and he would like to be able to spend time with her before it is too late. This is a waste of DOC's resources and limited legislative funds to incarcerate a man who has completed all available treatment and met all parole criteria. If released, this man would not be harm to anyone.

Completion of criteria and still not paroled – why?

It is my belief that this man could be released and not be of any harm to anyone. Yet, he is allowed to waste away in prison at a cost of \$30,000+ per year to DOC. Why? Are these criteria not enough? What guidance can the Parole Board offer this man to help him understand what he still needs to do to be paroled and start making his own way. He is 64 years old and it appears to me that he has worked hard enough to be paroled.

Parole Readiness

- Eligible for parole in 2006
- Has been in prison for nearly 17 years
- Met all criteria of Lifetime Supervision Act
- Has had 7 parole hearings, deferred one year each time with the exception of the 6th where he was deferred only 4 months; was deferred a year at the 7th parole hearing
- Has a place to live
- Has family support
- Has full military retirement benefits
- Has partial retirement benefits form CSU
- Has full credits to receive Social Security (100%) in 2015
- Very low risk

Treatment Related Issues, Certificates and Accolades

- Has taken 18 polygraphs (at a cost to DOC of approximately \$4,320 [\$240 x 18]) and was found non-deceptive on 12, deceptive on 4 and inconclusive on 2. *[SIDE NOTE: They have now dropped the amount of polygraphs back to less than half what they were doing per month. Now, it will take more than twice as long to get someone through polygraphs and released on parole.]*
- Completed and received certificates for Phase I and Phase II in SOTMP
- Has 42 "Thumbs Up" awards for Outstanding Progress and Participation Scores
- Has 14 certificates for Community Service for various programs
- Has videotaped interview for staff training
- Has been allowed to visit Phase I group twice to encourage continued participation in treatment
- Has 11 certificates for Outstanding Work Performance in various positions
- Has 3 certificates for Participation in Research to Improve SOTMP.
- Has a certificate for serving as Ambassador for the TC community program for 6 months.
- Completed victim empathy and clarification
- Has been a mentor / Big Brother to several of his peers while in Phase II
- Assisted with re-writing and updating materials used in the treatment program.

Other Accolades -- Non-Treatment

- 21 years of military service including several tours to Vietnam
- Received Navy Expeditionary Medal
- Meritorious Unit Commendation
- Navy Achievement Medal (with Star)
- Vietnam Service Medal (with 4 Stars)
- Republic of Vietnam Campaign Medal
- Combat Action Ribbon
- National Defense Medal
- Deployment Sea Service Ribbon (with 3 Stars)
- Good Conduct Medal (with 2 Stars)
- Enlisted Surface Warfare Specialist Pin
- Master Training Specialist Pin
- Retired as Senior chief Machinist Mat (E8)

Possible Negative Issues

- Failed polygraph in 2011
- He was regressed back to level 5
- Suffers from PTSD from military service and chronic depression for which he receives medication

In conclusion, I believe there should be a statutory presumption for paroling people who successfully complete the sex offender treatment program as well as a clear feedback for candidates who are denied parole, explaining what the inmate must do differently to get paroled at his next hearing. Another suggestion would be once an inmate has reached is bottom number AND completed all criteria they should receive an immediate recommendation for parole and reviewed at that time instead of having to wait another 6 months, 10 months or a year until their next hearing comes up. The Parole Board could also eliminate the use of a full board hearing for non-violent offenders and use that only for the offenders with an SVP rating. When an offender is full boarded it can take months to finally get a decision. Eliminating this step would most certainly cut down on the backlog.

It is less expensive for the taxpayers to parole a person than it is to keep them incarcerated. I have provided each of you a copy and you can feel free to read it at your leisure. Many of the men and women in prison have done all they knows how to do and are still denied parole.

Are there any questions? Thank you.

Glenice Martinez
303-808-0587

July 29, 2012

[REDACTED]
[REDACTED]
[REDACTED]

My name is [REDACTED], I am an inmate in the [REDACTED] Correctional Center at the [REDACTED]. In 1999, as part of a plea deal, I plead guilty to two(2) counts of aggravated incest, for which I was guilty. In January 2000 I was sentenced to one(1) determinate sentence of sixteen(16) years in the Colorado Department of Corrections and one(1) indeterminate sentence of four(4) years to Lifetime Supervision in the Colorado Department of Corrections. Both sentences to run concurrently. I was also required to participate in sex offender treatment.

During my incarceration I have completed one(1) semester of Sociology through Louisiana State University and earned a certificate as a Motorcycle Repair Technician through correspondence Courses. I have also been trained as a tailor, janitor, in basic computer operations, how to propagate-plant-care for-and harvest aquatic and semi-aquatic plants. I have completed courses in Greenhouse Management and Crops, and Introduction to Horticulture. I am presently taking a correspondence course through Prisoner Assistance Scholastic Service for Rehabilitation through Personal Psychological Development.

I have received certificates for completing thirteen(13) faith based correspondence courses. I have received Certificates of Completion for residential faith based programs Life Principles Community Program and Advanced Seminar in Applying the Seven Biblical Principles. I received a certificate for successfully completing the Anger Resolution Seminar. I also completed the Change Your Thinking-Change Your Life Motivational Program. In August 2001 I enrolled as an Oblate of Saint Benedict and continue as a practicing Oblate today.

I have received certificates for completing all available groups in Core Curriculum, Phase I, and Phase II of the Sex Offender Treatment Program in the Colorado Department of Corrections. I have received forty-two(42) Thumbs Up Awards for Outstanding Progress and Participation Scores. I have receive fourteen(14) certificates for Community Service for the following reasons. Videotape Interview for Staff Training, meeting with Illinois Attorney General's Group concerning Lifetime Supervision Laws, Legislative Tour Group. Visiting Phase I groups to encourage continued participation in treatment(twice), Interview with Colorado Springs Gazette, Budget Committee Interview, Federal Bureau of Prisons Group, Colorado Film School Interview, Alaska County Commissioner Visit, National Geographic Interview, Mexico Delegation Visit, Adams County Community Corrections Board, and University of Colorado Tour. I have received eleven(11) certificates for Outstanding Work Performance in various work positions. I have received three(3) certificates for Participating in Research to Improve Sex Offender Treatment and Management Program. I have received two(2) certificates for successfully completing

the Blood Borne Pathogen/HAZMAT course. I received a certificate for serving as Ambassador for the Therapeutic Community Program for six(6) months. I also completed Victim Empathy and Clairification for both victims.

In the opinion of the polygraph examiner, he found me non-deceptive on twelve(12) polygraphs, deceptive on four(4) polygraphs, and inconclusive on two(2) polygraphs. The examiner decided I was non-deceptive on both sexual history polygraphs, the remaining polygraphs were maintenance polygraphs.

In [REDACTED] I joined the [REDACTED] and served for 21 years, including several tours to Vietnam. I received several awards and commendations including Navy Expeditionary Medal, Meritorious Unit Commendation, Navy Achievement Medal(with Star), Vietnam Service Medal (with four(4) stars), Republic of Vietnam Campaign Medal, Combat Action Ribbon, National Defense Medal, Deployment Sea Service Ribbon(with three (3) stars), Good Conduct Medal(with two(2) stars). I earned the Enlisted Surface Warfare Specialist Pin and Master Training Specialist Pin. In 1988 I retired as a Senior Chief Machinist Mate(E8) after serving aboard a Frigate, two(2) Destroyers, a Guided Missile Cruiser, an Aircraft Carrier, a Destroyer Tender, and two(2) Shore Stations.

I have been diagnosed with PTSD and Chronic Depression (Dysthymia) for which I have received treatment and been prescribed medication. I have also learned to use treatment exercises, TFT and EMDR, to help manage my depression and suicidal ideations. I meet regularly with a psychiatrist and keep my family, support, and therapist aware of my progress and changes.

In [REDACTED] 2008 I was advanced to maintenance level of treatment, the final level of treatment in the sex offender treatment and management program in the Colorado Department of Corrections. I am and have been peer support in treatment groups assisting the treatment team in facilitating these groups. I am and have mentored, supported, and been a Big Brother to several peers during my time in Phase II. I have assisted in re-writing and updating materials used in the treatment program.

I became eligible for parole in January 2006, and met all criteria under the Lifetime Supervision Act. I continued to meet criteria at my [REDACTED] parole hearing and was full-boarded at my [REDACTED] hearing. I received a one(1) year deferral at each of these three(3) parole hearings. I also received one(1) year deferrals at my fourth and fifth parole hearings and a four(4) month deferral at my sixth parole hearing. Finally I received a one year deferral at my seventh parole hearing. I continued to meet criteria for all of my parole hearings, with the exception of my sixth parole hearing in [REDACTED].

In [REDACTED] 2011 I was required to take a polygraph and [REDACTED] 2011 I received a memo(enclosed) stating that I had been progressed back to level five(5) and as indicated in section B) have non-deceptive polygraph. Approximately forty-five(45) minutes prior to my sixth parole hearing in [REDACTED]. I was informed by members of the sex offender treatment team that my polygraph in [REDACTED] was actually inconclusive and that I did not meet criteria. After remaining eligible for parole, meeting criteria, and complying with all Department of Corrections regulations and requirements for six(6) years I find it difficult to comprehend how the sex offender treatment team would wait until forty-five(45) minutes prior to my parole hearing to inform me of this

change, thereby giving me the opportunity to correct this issue before my [REDACTED] 2011 parole hearing.

The various reasons given for the parole deferrals I received were A) not enough time served, even though I was past my parole eligibility date. B) Circumstances of the crime, even though these were argued and set at sentencing. C) Need more treatment while incarcerated, even though I had completed all available treatment prior to my first parole hearing. My last parole hearing took approximately five(5) minutes and neither my case manager nor my therapist were allowed to speak and the hearing officer was disinterested and appeared to have made the decision prior to the hearing even starting.

My adjusted time in the Colorado Department of Corrections is approximately sixteen(16) years, seven(7) months, and twenty(20) days presently. This means that I have passed the mandatory release date for my determinate sentence am nine(9) years past my minimum number for my indeterminate sentence, and seven(7) years since I met criteria as required under the Lifetime Supervision Act. I have been determined to NOT be a sexually violent predator and my latest risk assessment is VERY LOW RISK.

In spite of all I have done to meet and exceed the requirements and criteria of the Sex Offender Management Board and the years, effort, and my investment in treatment it means nothing. The Sex Offender Management Board(SOMB) changed their name from Sex offender TREATMENT Board to allow them to change their focus from treatment to containment without mandate or authorization. The SOMB has developed criteria beyond the scope of the legislative intent of the Lifetime Supervision Act. The Act mandated only two(2) criteria with respect to sex offenders under the Lifetime Supervision Act. 1) Undue Threat Criteria: poses undue threat to community if released and 2) Progress in Treatment Criteria: measuring whether sex offender successfully progressed in treatment. The Act legislatively intended sex offenders under the Act to be subject to special criteria concerning progress in treatment and risk assessment and the same existing "standards" and "programs" as all other sex offenders. SOMB was never mandated or authorized by the Act to develop new "treatment standards" or "treatment programs". SOMB acknowledges "These criteria (The two (2) above) do not stand alone [...] treatment for sex offenders under Lifetime Supervision must be consistent with the existing standards". The SOMB exceeded the scope of legislative mandate in three (3) specific areas of the Act. A) Criteria openly designed in manner that does not necessarily allow offenders to progress through treatment, B) Diagnostic use of polygraph results in Lifetime Supervision criteria, C) Requirement to have an "approved support person" who must pass background check and other non-sanctioned requirements. These Three (3) aspects are excessively restrictive and violative of Legislative intent.

In the Sex Offender Treatment and Management Program (SOTMB) at [REDACTED] Correctional Center there are at this time five levels of treatment, levels one (1) through level (5). Level five is maintenance/senior level, level four (4) is commitment level, level three (3) is change level, level two (2) is minor sanction/punishment level, and level one (1) is major sanction/punishment level. The SOMB guidelines contain

a grid that is used for sanctions/punishments for polygraphs performed to be deceptive. "The Grid" is used without concern for the human being involved and states "No sanction is too severe", when determining how to punish an offender that the treatment team has determined was deceptive. These punishments range from written assignments to ostracizing the offender from the rest of the community. Also each offender whom the treatment team determines to be deceptive must write a "significant addendum" concerning the behavior that the treatment team demands the offender engaged in, even if this behavior never subjectively, factually, or camera checkably occurred. Failure to submit the "significant addendum" will result in the treatment team not allowing the offender to take a polygraph in order to clear up the issue. In other words, in order to progress, the offender must LIE! The SOMB's diagnostic application of the the polygraph in Lifetime Supervision criteria has no basis or support in Colorado law. The SOMB's requirement for non-deceptive polygraph as a "criteria" is not authorized by the Act and clearly exceeds scope of legislative intent under Lifetime Supervision Act. SOMB's own standards and guidelines state "Information and results obtained from polygraph examinations should not be used in isolation when making treatment or supervision decisions". However when an offender, such as myself, satisfies all other criteria for successful progress in treatment, progress then becomes dependent exclusively upon polygraph examination results. All of this exists in direct opposition to and ignores the announcements concerning the questionable validity of the polygraph as a diagnostic test for deception by the Colorado State Supreme Court, *People v. Anderson*, 637 P.2d-354,358-59 (colo. 1981) ("We do not believe that the physiological and psychological bases for the polygraph examination have been sufficiently established to assure the validity and reliability of test results [...] and pointing to a multitude of factors other than truthfulness that may affect polygraph results, including 'emotional upset of the subject, his fatigue, drunkenness, subjection to drugs, bad physical or emotional condition, blood pressure' [...]"). By United States Supreme Court, *United States v. Scheffer*, 523 U.S. 303, 309-10, 118 S.Ct. 1261,1265 (1998) ("To this day, the scientific community remains extremely polarized about the reliability of polygraph techniques [...] overall, the cumulative research evidence suggests that when used in criminal investigations, the polygraph test detects better than chance, but with errors that could be considered significant"). By Colorado Appellate Court, *People ex rel. M.M.*, 215 P.3d1237 (colo. App. 2009) ("Evidence of polygraph test results and the testimony of polygraph examiners are per se inadmissible in both criminal and civil trials Id1249.") ("Consequently, the mere recordation of physiological data, even with the best of instruments, does not alone make the use of the polygraphs scientific. To assure reliability, clear, unequivocal evidence about how often and under what circumstances such data permit the accurate detection of deception is also needed. Because the presumability that several physiological or psychological factors impair the accuracy of the polygraph measurements, such evidence does not exist. Accordingly, we are not persuaded that the physiological stress of lying necessarily produces a series of responses which can reliably characterizes as indicating deception.").

The national Research Council, National Academy of Sciences: The Polygraph and Lie Detection (2002) found many alternative reasons, other than "more victims" for deceptive polygraph, specifically discredited Colorado's study's assertions. Researchers from National Research Council felt so strongly about misleading nature of Colorado's study's assertions, they published an article specifically citing a related Colorado study and reiterated their fallacy. "In terms of (polygraph) accuracy; there is no evidence that a "failed" polygraph test is an accurate indicator of concealed sex crimes [...] claims that polygraph testing is an effective and important management tool that lowers sexual and criminal recidivism during supervision and treatment have no credible scientific basis." Both The SOMB and the SOTMP use deception, dishonesty, and misrepresentation to hide the use of the polygraph as the sole and exclusive excuse to punish and deny community placement in community corrections and/or parole. The SOTMP uses phrases as "lack of progress", "Failing to actively participate and/or progress in treatment", and "an unwillingness to be open and honest about struggles in treatment and failure to accurately and completely disclose your current high risk behaviors" to hide this exclusive use of the polygraph. High risk behaviors is one of the many intentionally prejudicial statements used to give the appearance of distorted, deviant, or criminal behaviors, without any objective, factual, or camera checkable supportive evidence, only the POLYGRAPH!. Also used are "lashing out", "Victimizing", "threatening", "Aggressive", "Hostile", "Venomous", and "Rage".

I have a full military retirement, I have a partial retirement from Colorado State University (or a lump sum payment), and have full credits for Social Security (100% in 2015). I own a 1 ton pick-up and a motorcycle. I have a place to live on property owned by my Mother, a house trailer, and have been offered other houses to live in if I am released. I have been purchasing tools, home supplies, and furnishings to be able to live and work if I am released. I have also purchased many reference and information books to help me more rapidly adjust to life outside of prison. I have continually stated my resolve and desire to continue in treatment and to live a healthy and safe life. My greatest desire is to spend what time is left with my mother. I have made no effort, or had anyone make any effort, to contact the victims, to threaten them, or to in anyway interfere in their lives. I know and accept that it is entirely their choice if or when we ever have a relationship of any kind. Although I believe the draconian and demonic restrictions placed on me by the SOMB and the SOTMP have utterly destroyed any chance of that happening. By their rules I am not allowed to speak about my children, I am not allowed to contact them, I am not allowed to ask about them, I am not allowed to have them told that I think of them and how I have hurt them, I am not allowed to tell them of how much I am sorry for what I have done, I am not allowed to ask what is that they want from me, if anything, at parole hearings I am not allowed to show any emotions, or I will be punished, so I can only imagine what they must believe about my thoughts and feelings concerning them. Maybe I don't even care about what I did or about them. I want so much to let them know, but that will not be allowed.

I have re-established relationships with all of my siblings. I remain vested in catholicism and continue to read, study, and pray daily. I have and remain the best prisoner I am able to be. I continue active and vested participation in treatment. I have improved my communication skills, interpersonal relationship abilities, am accountable and responsible for my behaviors, and willing to compromise and accept that I can be wrong.

And yet as a direct result of the unwillingness, or inability, of those in authority over me I remain in prison years beyond when I should have been released. My loss of hope and trust have reached the point that in a letter to Governor Hickenlooper, I asked that if it was possible, that my sentence be changed to death. I wrote a letter to the head of the parole board describing my perception of the unethical manner in which my parole hearing in [REDACTED] 2011 was held. I never received a response from Governor Hickenlooper or the parole board. I did receive a response from an advocacy group in the governor's office, that did not address my issues and only recommended I call a law firm.

I am willing to speak to anyone, any group, legislative, public, or private about my strong belief in sex offender treatment. And also my strong knowledge of the manner in which sex offender treatment is used to destroy hope, lives, families, children's futures, to cost an unnecessary amount of money, to divert resources from areas that could benefit more greatly from them, and the failure of the SOMB and SOTMP to adequately follow their mandate to protect society by teaching and guiding individuals in how to live safe, healthy, appropriate, and beneficial lives. All because of their, in my impression, need to be in control, right, and to exercise power over other human beings by supporting a system that never achieved the mandate of the legislature and using tools designed to demean, discount, punish, humiliate, and ridicule.

I can perceive no legal or justifiable reason for my continued incarceration. I struggle with understanding what it is that is still required of me in order to be paroled as the parole hearings have become a secret inquisition that refuses to allow me to know what is said about me, who said it, and even who attended my parole hearing. These hearings have become so short that I barely sit down and they are over. None of this is allowed or expressed in any law that I can find.

The only reasons that I can imagine for my still being in prison are politics, my gender, and the polygraph. I am not asking for anything other than the chance to prove that the program I am in actually works. That I am not only capable, but extremely willing to live a healthy, safe, and appropriate life that will be of value to society. I have no hate left in me for anyone, only the desire to live in the freedoms and liberties I have earned. I want to be a part of humanity and not a reject without hope. I have re-dedicated my life to God and the Catholic faith, to my family and to whatever I can do to help them in their lives, and to being an example and role model to others, who have made this heinous choice in their lives to hurt another, can see and use to reach for hope and happiness. However, I continue to see only darkness, hatred.

I fight daily to continue living and will continue to do so, but I have reached a point in my life that I no longer can survive on my own. I only seek assistance, hope, and a chance. Please allow me the ability to prove myself a success of sex offender treatment and life.

May God continue to bless and protect you.

[REDACTED]